

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
APRIL 28, 2011
HOLIDAY INN RALEIGH NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Brenda Bishop
James Stevens
Judge Burris
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Robert M. Clark
Steve Johnson

BOARD MEMBERS ABSENT

Sheriff Jenkins
David Pendry
Sheriff Ashe

STAFF PRESENT

Terry Wright – Director
Anthony Bonapart - Deputy Director
Charles McDarris – Attorney
Judy Pittman - Training Officer
Joyce McClure - Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

David Arndt
Nick Nicholson
Greg Casstevens
Gary Pastor
Stephen Bill
Billy R. Boykin
David Johnson
Karen Johnson
Michael Cundiff
Tom Calvert
George Saleeby

Leroy Everhart
Ronnie Farrar
Larry Flannery
Gregory Hatten
Bill Dover
George Fenton
Warren Hall
Bill Johnson
James Hilton
Richard Belton

Jeff Cathcart
John Atherton
Paul Schroll
James Peeden
James Turnage
Ann Lane
Jeanna Casey
Brian Casey
Scott Siano
Dorien Dehnel

Chairman Richard Allen called the April 28, 2011 Private Protective Services Board meeting to order at 9:30 A.M. Mr. Allen welcomed all guests and requested they sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Gary Pastor, the President of NCAPI, thanked the Board for their efforts in promoting Continuing Education and for the classes that are being held throughout the state by staff at no cost to the attendees. Mr. Pastor also stated that the NCAPI is holding area meetings throughout the state and that the meetings are open to the public. Mr. Pastor stated that he recently sent out a survey to the NCAPI members for their input regarding unlicensed activity in the state. He stated that NCAPI requested the continuing education to promote the professionalism of the industry. He stated that it was time for the Board to take some steps to protect the public. He stated that the NCAPI is asking for change as soon as possible. They will work together with the Board to make the changes. NCAPI wants to form a committee with the Board and introduce changes in the law at the legislature.

Chairman Allen stated that the Board understands the comments and suggestions but there are timing issues to be addressed regarding taking changes to the General Assembly. Mr. Allen also stated that the Board has statutory limitations regarding unlicensed activity. Mrs. Bishop stated that some of the matters are civil matters. Judge Burris stated that the Grievance Committee does not receive many unlicensed activity complaints and if the cases are reported, the committee will act on the information. Mrs. Bishop stated that it was an excellent idea that the association get the complaints and establish a case to be submitted for the Grievance Committee. She also reiterated the lack of statutory authority the Board has to fine unlicensed individuals.

Mr. Booth encouraged the NCAPI to increase the reporting on unlicensed activity.

Mr. Clark agreed with Mr. Pastor that something should be done to discourage unlicensed activity. Chairman Allen stated that it will take a joint effort to follow up on the unlicensed activity, if NCAPI will bring documented names and proof to the Board, the Board can then initiate the process to take enforcement action.

Mr. Johnson stated that licensing boards do not have statutory authority over anyone who is not licensed by said Board. He recommended that NCAPI speak to the local District Attorneys and that they prosecute individuals conducting investigations without a license.

APPROVAL OF THE FEBRUARY 24, 2011 MEETING MINUTES:

**MOTION BY MR. STEVENS TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. JOHNSON; MOTION CARRIED.**

**MOTION BY MR. STEVENS TO APPROVE THE APRIL 11, 2011 MINUTES; SECONDED
BY MRS. PLEASANT; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday, April 27, 2011 from 2:00 P.M. until 7:05 P.M. to review a total of 55 applications with 2 Denials and 2 Deferrals; the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mrs. Pleasant, and Mr. Clark. Mrs. Bishop read the report for the record.

It was noted that Mr. Booth recused himself on # 32 Gary LaFone and Mr. Stevens recused himself on # 52 Phillip Wynn.

Mrs. Bishop presented the following registration report for the period of February 17, 2011 through April 26, 2011. Total registrations 3898; armed totals were 615 of which 217 were new, 377 were renewals, 1 duplicate and 20 reissue/dual. There were 11 renewals of Private Investigators armed permit, 1 renewal for Private Investigator Associate armed permit and 6 new Private Investigator Associates armed permits. Unarmed totals were 3265 which include 1188 new, 1873 renewals, 134 transfers, 9 duplicates and 68 reissues/dual. Total denials 625 of which 203 were for cause and 422 for correctable. There were 494 applications approved which were previously denied for a total of 1119 denials reviewed.

**MOTION BY MR. JOHNSON TO ACCEPT THE SCREENING REPORT AND THE
REGISTRATION REPORT; SECONDED BY MR. STEVENS; MOTION CARRIED.**

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the committee met on Wednesday, April 27, 2011 from 8:00 A.M. until 1:10 P.M. and heard a total of eight cases. The committee members were Judge Burris, James Stevens, Bill Booth, Eric Jones and Mack Donaldson. Judge Burris presented the attached report. (See attachment)

**MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT;
SECONDED BY MRS. BISHOP; MOTION CARRIED.**

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday, April 28, 2011 from 8:30AM. until 9:20 A.M. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson and Mrs. Pleasant.

Mr. Stevens read the course schedule. The following trainer courses are scheduled:

May 2- 6, 2011	UGT Course Workshop	WTCC
June 13, 2011	Firearms Trainer Re-Certification course	NCJA
July 25-29, 2011	UGT Course & Workshop	WTCC
September 12-16, 2011	FT Certification Course	NCJA
September 19, 2011	FT Re-certification Course	NCJA
November 21, 2011	FT Re-certification Course	NCJA

The above listed courses are posted on the website.

The following PPS trainer courses have been completed:

February 7-11, 2011	UGT Course Workshop	WTCC
February 28, 2011	Firearms Trainer Re-Certification course	NCJA
April 4-8, 2011	Firearms Trainer Certification Course	NCJA

Presently we have 365 certified PPS unarmed guard trainers and 101 PPS certified armed guard trainers.

Mr. Stevens reported that the first PPSB sponsored training course for continuing education credits was given in Greensboro and was very well attended. He stated that there was positive feedback from the attendees and there are more courses scheduled for the remainder of the year.

Mr. Stevens reviewed the report regarding a weapon discharge.

The following training issues were discussed.

A licensee had requested the Board's opinion as to whether a licensee can take the PPSB Continuing Education course multiple times during their renewal period?

The Training and Education Committee recommended that the PPSB course can only be taken once during the renewal period.

MOTION BY MR. BOOTH THAT THE PPS CONTINUING EDUCATION COURSES CAN ONLY BE TAKEN ONCE DURING THE RENEWAL PERIOD; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Investigator Pittman asked the Board whether or not the Training Officer has the right to remove someone from the firing range if there is a safety issue?

The Training and Education Committee stated that a person could be removed from the range at any time if there is a safety issue.

Mr. Stevens stated that there are more than one hundred courses that have been approved and are listed on the website.

A question arose regarding the online courses being approved for twelve (12) hours, although the

licensees will only receive six (6) hours per renewal period. Mrs. Pleasant suggested changing the format and list the courses for the six hours which credit will be granted. It was determined that there would be no changes to the current format.

A licensee had asked staff whether or not you are required to provide the CE credits if you renew prior to January 2012 even if your license will expire on January 31, 2012. The recommendation of the Training and Education Committee was that the expiration date is the determining factor for the CE credits being required. Therefore, anyone whose license expires after December 31, 2011 must have 12 hours of continuing education credit when renewing.

MOTION BY MR. BOOTH THAT THE EXPIRATION DATE OF THE LICENSE BE USED TO DETERMINE THE REQUIREMENT FOR CONTINUING EDUCATION CREDIT; SECONDED BY MR. CLARK; MOTION CARRIED.

A private investigator who is also a Firearms Trainer requested an opinion of the Board as to whether he would be required to take the 20 hour armed course if he was to apply for his armed private investigator registration.

Mr. Johnson recommended that the forty-hour course for becoming an instructor could be used in lieu of taking the twenty-hour course. Mr. Johnson further stated that the instructor would still be required to maintain the qualifications by renewing every year and take the four hour course.

MOTION BY MR. JOHNSON TO ACCEPT; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mr. Stevens stated that the subcommittee approved the following courses: Spanish II; Computer Forensic Show; Defensive Tactics/Self Defense; The Reid Technique of Interviewing & Interrogation: Basic and Advanced; Basic Technical Accident Investigation; Leadership Principles; Supervisor Communication; Customer Service as a Security Function; Handling Multiple Priorities; Security's Role in Reducing Business Risk; Emergency Preparedness and Crisis Management; Sexual Harassment; Professional Standards; Armorer's Course Glock Pistols; Cyber Threats and Trends. The following two courses were not approved for CE credit: NAPBS Annual Conference; Technology Advances to Streamline Drug Testing.

MOTION BY JUDGE BURRIS TO APPROVE; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT -

Judge Burris stated that the Grievance Committee has instituted a new procedure. The investigators reports are now distributed to the person(s) associated with the complaint at the beginning of the meeting so they may review the report prior to their case being heard by the committee. Prior to the presentation of a case, the report is accepted into the record. Mr. Burris also stated that he was concerned that the Committee is using too much time and would like to consider adjustments to the

schedule. He stated that the committee may need to schedule some additional dates to meet to catch-up on cases.

Chairman Allen recommended that staff work together with the Grievance and Screening Committee Chairs and determine whether an additional date is needed to hear cases.

SCREENING COMMITTEE REPORT -

Mrs. Bishop agreed with the Grievance Committee regarding the time issue for the Committee meetings.

Mrs. Bishop stated that she has received input from Mr. Pastor regarding the unlicensed activity and the issue of more than one investigator working for an attorney. She has contacted other states that require the licenses and they are having the same issues. There is no quick and easy solution to the problem but is still working on it and it will require some time to come up with any solution.

74C REWRITE COMMITTEE -

Judge Burris has spoken to a number of people about possible changes, but has no formal report to make.

FINANCE COMMITTEE - NONE

OUT OF STATE CRIMINAL RECORD CHECKS : NONE

ELECTRONIC SUBCOMMITTEE:

Judge Burris reported that there was a conference call on April 11, 2011 to address this issue. There are two issues to be addressed regarding the retention of files by either an electronic means or by paper retention.

At the April meeting, the Committee requested Mr. McDarris and staff to contact other agencies and report back to the committee how the agencies handle this issue.

OLD BUSINESS - NONE

NEW BUSINESS:

Mr. George Fenton from the Information Technology (IT) Department at the Department of Justice reviewed proposals for updating the PPS database. Mr. Fenton provided an overview of the project and advised on the respective costs involved with updating the system. There were questions regarding the capabilities of the new system and the Board was advised that the system would not provide any personal information to an outside party that searched the database. Mr. Fenton advised that this is not an open-ended system and was secured access through Director Wright and Deputy Director Bonapart.

Director Wright advised that for the Guard and Patrol industry, it would virtually eliminate the correctable denials as the system would not allow you to proceed until information was entered correctly.

Mr. Fenton stated that the goal was to have the system in place in less than 12 months and that training would be provided to staff as well as online training being provided to the industry.

Mr. Arndt requested that it be considered that the industry be able to submit fingerprints via livescan rather than having to use the Sheriff's Department.

The Board was advised that the purpose of the update was to keep the Board informed of the project and to seek the Board authority to go forth with the Request for Proposal (RFP). Once the RFP has been posted and bids received, Director Wright would provide the Board with the bids and the Board could determine whether they wish to fund the project.

MOTION BY JUDGE BURRIS TO MOVE FORWARD WITH THE RFP; SECONDED BY MR. STEVENS; MOTION CARRIED.

Deputy Director Bonapart requested a decision from the Board regarding an email that Mr. Bonapart received from a licensee requesting a refund of his license fee. The licensee had renewed his license and had subsequently voluntarily surrendered his license with a year remaining in his renewal period. Director Wright advised the licensee that currently the Board does not refund money if you voluntarily surrender your license. The licensee had requested an opinion of the Board.

MOTION BY JUDGE BURRIS TO CONTINUE THE CURRENT POLICY OF NOT REFUNDING MONEY WHEN A LICENSEE VOLUNTARILY SURRENDERS A LICENSE; SECONDED BY MRS. BISHOP; CARRIED.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases. Mr. McDarris noted that in 2009, the Board adopted a grading chart that was instituted to promote consistency for the review of applications by staff. This chart was posted on the website for the industry to review prior to submitting an application to the Board. Mr. McDarris feels that it is now time to update and make adjustments to the chart. He pointed out that the following three cases are examples.

The Board received the official record for each of the following cases:

Richard G. Belton, 11-DOJ-1052. Mr. Belton was present. This case reviewed the denial of the petitioner's application for an unarmed registration permit based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Joe Webster proposed that the Board reverse its initial decision to deny the Petitioner's application for an unarmed security guard registration permit and issue an unarmed security guard registration permit.

MOTION BY MR. STEVENS TO UPHOLD THE ADMINISTRATIVE LAW JUDGE'S DECISION TO GRANT THE UNARMED REGISTRATION PERMIT; SECONDED BY MR. DONALDSON; MOTION CARRIED.

Sampson Deltonio Midgette, 11-DOJ-1050. Mr. Midgette was noticed but was not present. This case

reviewed the denial of the Petitioner's application for an unarmed guard registration permit for demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Joe Webster proposed that the Board reverse the initial decision to deny the Petitioner's application for an unarmed security guard registration permit and issue an unarmed security guard registration permit.

MOTION BY MR. JOHNSON TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S RULING; SECONDED BY MR. STEVENS; MOTION CARRIED.

Danielle Michelle Harrison, 10-DOJ-7039. Ms. Harrison was noticed but was not present. This case reviewed the denial of the Petitioner's application for unarmed an unarmed registration permit based on Petitioner's demonstration of lack of good moral character for two convictions for Reckless Driving to Endanger and Driving While License Revoked.

Administrative Law Judge Donald W. Overby proposed that the Board reverse its initial decision to deny Petitioner's application for an unarmed security guard registration permit and grant the unarmed security guard registration permit on the condition that no further laws are violated by the Petitioner.

MOTION BY JUDGE BURRIS TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. McDarris requested the Board to modify the current procedure, if an applicant has previously been approved when reapplying they not be denied.

MOTION BY JUDGE BURRIS TO ACCEPT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. McDarris asked the Board whether they wish to modify the current protocol regarding the denial of convictions of Driving While License Revoked (DWLR). The current process is to deny the application if there is one conviction within a five year period.

MOTION BY JUDGE BURRIS TO CHANGE THE GRADING CHART TO REFLECT 3 DRIVING WHILE LICENSE REVOKED CONVICTIONS WITHIN THE LAST FIVE YEARS; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Chairman Allen requested Mr. McDarris to start a process to review the revisions to the Grading Chart and bring back his recommendations to the August Board.

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid.

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative

Hearings and are listed in the Attorney's report.

12 NCAC .0701 a technical amendment has been filed with the Rules Review Commission.

12 NCAC 7D .1201 addresses the repeal of the courier experience requirements has been filed with the Rules Review Commission.

12 NCAC .0201 this is the amendment to require applicants to meet with staff has been filed with the Rules Review Commission

12 NCAC 7D .1303 Amendments to the Continuing Education rule have been filed with the Office of Administrative Hearings. The public hearing was held on February 3, 2011 and there were no comments on the filing. The public comment period closed on March 21, 2011 with no written comments. Therefore, the rule is up for your adoption.

MOTION BY MR. STEVENS TO ADOPT THE RULE AND SEND TO RULES REVIEW; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mr. McDarris asked the Board if they wanted to add a sub part to the above rule stating that a course can only be taken one time within the renewal period.

MOTION BY MRS. BISHOP TO INCLUDE THE VERBIAGE IN THE RULE THAT THE PPS CONTINUING EDUCATION COURSES CAN ONLY BE TAKEN ONCE DURING THE LICENSEES RENEWAL PERIOD; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Mr. McDarris also advised that the reappointment of CriminalRecordCheck.com has been sent to DOJ Financial Services and the appropriate documents have been signed.

Mr. McDarris advised that the General Assembly has quite a few items dealing with Boards and Commissions and although he could not review them all, the attorneys in his office are all tracking the numerous bills.

That concluded the Attorney's report.

MOTION BY MR. CLARK TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Wright presented the report. The combined PPS/ASL budget as of March 31, 2011 has a balance of \$600,687.97; the Education Fund balance is \$117,107.10. As of April 26, 2011 we have a total of 14,661 PPS registrations, 1787 licenses, 486 certifications, one endorsement for a total of 16,935 active personnel for PPS. Active licenses and registrations for both Boards are 23,332.

Director Wright noted that there has been a total of 2,274 various correspondence printed from the PPS database, 3,713 registration cards printed from the identification card system, and 5,184 applications received since the last Board meeting.

MOTION BY MR. BOOTH TO ACCEPT THE DIRECTOR’S REPORT; SECONDED BY MR. STEVENS; MOTION CARRIED.

Director Wright requested that the meeting in June in Asheville start at 8:00 AM for Training and Education and 9:00 AM for the full Board to accommodate the training session at 1:00 PM. He also stated that since there are no 74C meetings being held currently that the Board could change the start of the Training and Education meetings and the full Board meeting to the 8:00 AM and 9:00 AM times going forward.

MOTION BY MR. STEVENS TO START TRAINING AND EDUCATION AT 8:00 AM AND THE FULL BOARD AT 9:00 AM; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Chairman Allen read a letter from Governor Perdue regarding Executive Order No. 34 that requires Board members to attend 75 percent of the Board’s regularly scheduled meetings.

MOTION BY MR. STEVENS TO ADJOURN; SECONDED BY MR. JOHNSON; MOTION CARRIED.

12:00 P.M. Adjourned

Terry Wright, Director

Joyce McClure, Board Secretary